IN THE BOARD OF PATENT APPEALS AND INTERFERENCES

Applicant:	James K. Beriker	)	
		)	
Assignee:	Value Click, Inc	)	
		)	
Serial No.:	10/029,483	)	Group Art Unit: 2142
		)	
Filed:	December 20, 2001	)	Examiner: Willett, Stephan H.
		)	
		)	
		)	
For:	A System, Method and Apparatus for Dynamic Traffic Management on a Network	)	Docket No. 3553

Honorable Commissioner of
Patents and Trademarks
Washington, D.C. 20231

APPEAL BRIEF

TABLE OF CONTENTS

BRIEF ON APPEAL

INTRODUCTION

This is an appeal brief in response to the final rejection dated January 5, 2006 (Exhibit A) and is in furtherance of the Notice of Appeal mailed July 8, 2006 (Exhibit B).

I. REAL PARTY IN INTEREST

The real party in interest is Search123.com, Inc., which is a wholly owned subsidiary of ValueClick, Inc. (publicly traded under ticker symbol VCLK).

II. RELATED APPEALS AND INTERFERENCES

There are no appeals or interferences known to Appellant relevant to these proceedings.

III. STATUS OF CLAIMS

Claims 1-5 are on appeal.

Claims 1-5 (rejected).

IV. STATUS OF AMENDMENTS

Applicant filed an Information Disclosure Statement and an amendment in response to the Examiner's Final Rejection on March 13, 2006 (Exhibit E). In response, on March 30, 2006, the Examiner filed an Advisory Action indicating that for purposes of appeal, the amendment would not be entered. (Exhibit F). Furthermore, the Examiner indicated that he had considered the amendment, but that he believed the amendment did not place the application in condition for allowance. Id.

V. SUMMARY OF CLAIMED SUBJECT MATTER

Reference to line numbers for independent claims

Claim 1. A system for providing traffic management on a computer network (**Fig. 1 entire figure, p.3, lines 5-15**), wherein a

referral provider **(Fig. 1, ref. 14, p. 3, line 8)** and a user computer (**Fig. 1, ref 12**) are in communication via the computer network (**Fig. 1, p. 4, lines 20-26**), the referral provider predefining referral provider preferences (**p. 8, lines 18-21**) via the traffic management system (**p. 3, line 7, abstract**) for routing traffic generated (**original claim 1, p. 1, line 8)** by the user computer's search request (**p. 6, line 23**) transmitted to the referral provider (**p.3 line 7**), wherein the routing of the traffic is dependent (**original claim 1**) upon the search request (**p. 6, line 23**) transmitted by the user computer, comprising:

means for establishing an account for the referral provider (**p. 6, lines 24-26**), wherein the account includes an account name, a unique identification and a password (**original claim 1, p. 6, lines 27-28 to p. 7, line 3**);

at least one traffic management parameter (**p. 7, line 8**); and

a search referral module (**original claim 1**), wherein the search referral module analyzes the user computer's search request (**p. 9, line 10**).

Defined structure for: "means for establishing an account" Structure defined in p. 6, lines 24-25 that is the computer running the "traffic management system"

NOTE: Page 6, lines 24-26 clearly state: "... to establish an account with the dynamic traffic management system 28, the referral provider accesses the traffic management system ..." . It is implicit that the traffic management system runs on a computer with a web page. This computer is the required structure.

Claim 5. A process for dynamically managing traffic on a network having a referral provider computer and a user computer (**Fig. 1, 12**), the user computer communicating with the referral provider computer (**Fig. 1, 14**) and transmitting a search request to the referral provider computer (**abstract, p. 6, line 23**), comprising:

establishing a participating account (**p. 6, lines 24-26**), wherein the account is established by the referral provider (**Fig. 1, ref. 14**);

defining traffic management parameters (**p. 7, line 8**);

analyzing the search request input by the user computer (**p. 9, line 10**); and

routing traffic to a target location (**p. 1, line 8 original claim 1**).

VI. GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL

Claims 1-5 stand rejected under 35 U.S.C. Section 103(a) based on McBrearty (U.S. Patent No. 6,823,491) (Exhibit C) in view of Boyd et al. (U.S. Patent Application No. 2004/0193489) (Exhibit D).

VII. ARGUMENT

A. Rejection under McBrearty in view of Boyd et al.

The Examiner's rejection of claims 1 and 5, as reflected in the March 30, 2006 Advisory Action, is based upon a misunderstanding of the preambles of those claims in light of current Federal Circuit law. Specifically, the Advisory Action states that "[a] preamble is generally not accorded any patentable weight where it merely recites the purpose of a process or the intended use of a structure, and where the body of the claim does not depend on the preamble for completeness, but instead, the process steps or structural limitations are able to stand alone." (Exhibit F at p. 2, citation omitted). Yet, as shown above, the traffic management system, the user computer, and the referral provider computer are all structures, not intended functions. The preamble is necessary to provide completeness to the claim – for instance, the means for establishing an account requires "the referral provider" which structure is first identified in the preamble and later referred to in the body of the claim. Likewise, the preamble provides antecedent basis for the "user

computer" structure which is referred to again in the body of the claim in order to make the "search referral module" element complete. Indeed the "traffic management parameters" is incomplete and meaningless absent a "traffic management system" to route or act upon a user computer request. As the Federal Circuit has noted, where, "when read in the context of the entire claim," the preamble "recites limitations of the claim . . or . . . is 'necessary to give life, meaning, and vitality' to" the claim, the preamble language is properly treated as limiting. *Pitney Bowes, Inc. v. Hewlett-Packard Co.*, 182 F.3d 1298, 1305 (Fed. Cir. 1999). Thus, the Applicant's inventions, when the preamble is given any weight, is clearly distinguishable from McBrearty and Boyd et al.

Namely, unlike Applicant's invention, which involves dynamic traffic management over a network, McBrearty addresses the problem of a web surfer who needs quick access to the site-specific search engine of a web site. The example McBrearty gives is the intra-site search engine one might find at http://www.ibm.com. (Exhibit C, figures 1 and 2) McBrearty discloses that sometimes users "enter" a site on a page lacking the site-specific search engine interface. (Exhibit C, figure 6). McBrearty discloses providing a "button" on a web browser that will locate the site-specific engine for presentment to the surfer, or if there is none preexisting on the site, that will present the surfer with a generic one.

While McBrearty does mention ordinary use of the site-specific search engine to perform a search, McBrearty does not disclose dynamic traffic management as claimed by Applicant. Namely, Applicant's claim 1 recites a system wherein a referral provider predefines preferences (i.e., traffic management parameters) for routing traffic generated by a user computer's search request transmitted to the referral provider. McBrearty does not disclose a referral provider, or predefining preferences, as claimed. In addition, as the

Examiner acknowledged McBrearty lacks a means for establishing an account. (Exhibit A, at p. 3).

The Examiner cites Boyd et al. for its disclosure of details of implementing an account for a referrer. However, Boyd does not disclose establishing an account by a referral provider as claimed. Boyd's disclosed accounts are associated with hosted incentive marketing --- an entirely different field from Applicant's invention having nothing to do with dynamic traffic management in the context of search engines. For example, under Boyd's teachings, the user set up an account to keep track of his "incentive points" (Exhibit D, par. 32). Likewise, a consumer product company might establish an account to keep track of consumer-entered loyalty points. (Exhibit D, at par. 107). Importantly, neither the consumer product company nor the consumer in this context qualifies as a "referral provider" – even the Examiner's own rejection alleges a different third party (Yahoo!) is the referral provider. (Exhibit A, at p. 3) Neither the user nor the consumer product company does anything having the effect of referring a user's network traffic to a third party network location. Thus, neither McBrearty nor Boyd et al., either alone or in combination, suggest the elements required by claims 1 and 5 of the present application.

B. Rejection of Claims 2-4

As an additional, but separate basis for reversing the Examiner's rejection of claims 2-4, the applicant submits that the Examiner's understanding and application of McBrearty to the use of "key search terms" is misplaced. Specifically, the specification states the following about such search terms:

> Generally, the key terms chosen or identified by the referral provider are associated with key terms which have been purchased or otherwise provide income to the primary location. In preferred embodiments, the key term list generally selected by or provided to, the referral provider is identical to all of the key terms purchased by third parties (e.g., information providers) from the

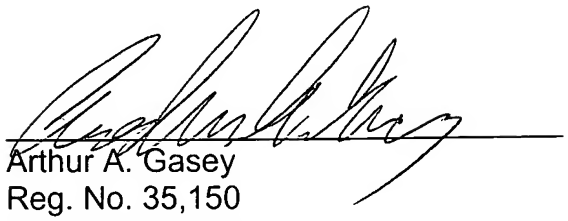
> primary location. In this manner, the referral provider is substantially guaranteed that all of the traffic directed to the primary location will produce income for the referral provider because all of the key terms have been paid for by information providers (e.g., web masters) whose identification or web location will be given preferential positioning within the result list present to the user.

(Exhibit G, page 8, lines 7-15). In other words, "key search terms" – as defined by the intrinsic record, are terms which have been purchased by a third party or are terms which have been provided and guaranteed by the third party to provide income to the referral provider, in exchange for preferential positions of web listings in response to user searches referencing the same key terms. Again, McBrearty suggests – at most – a site specific direction of traffic, not any "key search terms" which have been paid for by a third party to give a preferential placement of web location in response to user searches having the same key terms. Indeed, with a site specific search function like McBrearty, there would be no suggestion or teaching to develop of system whereby a different, third party would pay for preferential listings of a web location using key search terms. Again, McBrearty simply does not teach or suggest the combination of claim 2 (upon which claims 3-4 also depend).

VIII. CONCLUSION

McBrearty and Boyd do not result in, or suggest, the claimed inventions of claims 1 or 5, and thus the rejection of the pending claims must be reversed. As an independent reason for reversal, McBrearty and Boyd do not result in, or suggest the use of key search terms for a dynamic traffic management system, and thus the inventions of claims 2-4 must be reversed.

Respectfully submitted,



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Attorney for Applicants

Dated: February 26, 2007

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CLAIMS APPENDIX

1. A system for providing traffic management on a computer network, wherein a referral provider and a user computer are in communication via the computer network, the referral provider predefining referral provider preferences via the traffic management system for routing traffic generated by the user computer's search request transmitted to the referral provider, wherein the routing of the traffic is dependent upon the search request transmitted by the user computer, comprising:

means for establishing an account for the referral provider, wherein the account includes an account name, a unique identification and a password;

at least one traffic management parameter; and

a search referral module, wherein the search referral module analyzes the user computer's search request.

2. A system as claimed in claim 1, the management parameters comprise at least one of a designated target location, and a set of key search terms.

3. A system as claimed in claim 2, wherein the search referral module routes traffic to the designated target location.

4. A system as claimed in claim 2, wherein the search request comprises a set of user defined search terms, and wherein the referral module compares the user defined search terms and the predefined set of key search terms of the management parameters.

5. A process for dynamically managing traffic on a network having a referral provider computer and a user computer, the user computer communicating with the referral provider computer and transmitting a search request to the referral provider computer, comprising:

establishing a participating account, wherein the account is established by the referral provider;

defining traffic management parameters;

analyzing the search request input by the user computer; and

routing traffic to a target location.

EVIDENCE APPENDIX

Exhibit A .....January 5, 2006 Final Rejection

Exhibit B ..... July 8, 2006 Notice of Appeal

Exhibit C ..... McBrearty (U.S. Patent No. 6,823,491)

Exhibit D .....Boyd et al. (U.S. Patent Application No. 2004/0193489)

Exhibit E .....March 13, 2006 Amendment

Exhibit F ..... March 30, 2006 Advisory Action

Exhibit G .....Specification

There is no evidence submitted pursuant to 37 CFR 1.130, 1.131 or 1.132 of record.

RELATED PROCEEDING APPENDIX

There are no appeals or interferences known to Appellant relevant to these proceedings.

Attorney
Docket No. 3553

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

CERTIFICATE OF MAILING

APPLICANT:	James Beriker
SERIAL NUMBER:	10/029,483
FILED:	December 20, 2001
INVENTION:	**A System, Method and Apparatus for Dynamic Traffic Management on a Network**

I hereby certify that this **Petition for Revival of an application abandoned Unintentionally:**
(Identify type of correspondence)

- **Corrected Appeal Brief**
- **Claims Appendix**
- **Evidence Appendix**
- **Exhibits A-G**
- **Related Proceedings Appendix**
- **Authorization to charge deposit acctg 14-1131**
- **Return Receipt Postcard**

is being deposited with the United States Postal Service "First Class Mail" service and is addressed to Mail Stop Petitions, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on February 26, 2008

Hannah Martin
(Typed or Printed Name of Person Mailing Correspondence)

(Signature of Person Mailing Correspondence)

CLAIMS APPENDIX

1. (Original) A system for providing traffic management on a computer network, wherein a referral provider and a user computer are in communication via the computer network, the referral provider predefining referral provider preferences via the traffic management system for routing traffic generated by the user computer's search request transmitted to the referral provider, wherein the routing of the traffic is dependent upon the search request transmitted by the user computer, comprising:

means for establishing an account for the referral provider, wherein the account includes an account name, a unique identification and a password;

at least one traffic management parameter; and

a search referral module, wherein the search referral module analyzes the user computer's search request.

2. (Original) A system as claimed in claim 1, the management parameters comprise at least one of a designated target location, and a set of key search terms.

3. (Original) A system as claimed in claim 2, wherein the search referral module routes traffic to the designated target location.

4. (Original) A system as claimed in claim 2, wherein the search request comprises a set of user defined search terms, and wherein the referral module compares the user defined search terms and the predefined

set of key search terms of the management parameters.

5. (Original) A process for dynamically managing traffic on a network having a referral provider computer and a user computer, the user computer communicating with the referral provider computer and transmitting a search request to the referral provider computer, comprising:

establishing a participating account, wherein the account is established by the referral provider;

defining traffic management parameters;

analyzing the search request input by the user computer; and

routing traffic to a target location.

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Exhibit B ..... July 8, 2006 Notice of Appeal

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Exhibit G ..... Specification

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RELATED PROCEEDING APPENDIX

There are no appeals or interferences known to Appellant relevant to these proceedings.

UNITED STATES PATENT AND TRADEMARK OFFICE

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/029,483	12/20/2001	James Beriker	63030.800US01	5460

7590 01/10/2006

Niro Scavone Haller & Niro
181 West Madison Street
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EXAMINER	
WILLETT, STEPHAN F	

ART UNIT	PAPER NUMBER
2142	

DATE MAILED: 01/10/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/029,483	BERIKER, JAMES	
	Examiner	Art Unit	
	Stephan F. Willett	2142	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on *03 October 2005*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-5* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-5* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

IDS

1. The IDS filed on 11/25/02 referenced numerous other documents. The Office does not have copies of said documents, thus would you please provide copies of the documents listed in said IDS.

Claim Rejections - 35 USC 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

1. Claims 1-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over McBrearty with Patent Number 6,823,491 in view of Boyd et al. with Patent Publication US2004/0193489.

1. Regarding claim(s) 1, 5, McBrearty teaches a search referral module[Yahoo search engine] that analyzes[by relevance] the user's search request as the "the search engine then returns pages", col. 3, line 43-44 based on pages "that appear to be relevant", col. 3, lines 44-45 based on a web browser running on a user's computer and Yahoo Company is the "referral provider". McBreaty teaches at least one traffic management parameter[user's search terms], col. 3 lines 40-46. McBrearty teaches the referral mode routes traffic to the designated location by the search engine, col. 3, lines 48-49.

2. McBrearty teaches the invention in the above claim(s) except for explicitly teaching establishing an account for the referral provider, wherein the account includes an account name, unique identifier and password.

3. In that McBrearty operates refer a specific site, the artisan would have looked to the network referral arts for details of implementing an account for a referrer. In that art, Boyd, a related network application hosting system, teaches "the user would register himself ... to set up an account", para. 0032, lines 4-6 in order to take advantage of the service provided. Boyd specifically teaches "user name, ID, password", para. 0092, lines 9-10. Further, Boyd suggests "the sellers need to register and set up an account", para. 107, lines 3-4 will result from implementing the service and accounts.

4. The motivation to incorporate account information insures that the service provider receives remuneration.

5. Thus, it would have been obvious to one of ordinary skill in the art to incorporate establishing an account for the referral provider, wherein the account includes an account name, unique identifier and password for a user as taught in Boyd into the referral system described in the McBrearty patent because McBrearty operates with hosting accounts and Boyd suggests that an account would be used to record the users' data or to enable access to Yahoo services. Therefore, by the above rational, the above claim(s) are rejected.

6. Regarding claim(s) 2, McBrearty teaches management parameters comprise designated target location as a site specific URL and key search terms col. 5, lines 1-4.

7. Regarding claim(s) 3, McBrearty the referral mode routes traffic to the designated location, col. 5, lines 12-14.

8. Regarding claim(s) 4, McBrearty teaches the search request comprises a set of user defined terms, col. 4, lines 6-10 and the referral module compares the search terms with predefined key terms, col. 5, lines 2-6.

Response to Amendment

1. The broad claim language used is interpreted on its face and based on this interpretation the claims have been rejected.

2. In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., "McBreaty does not disclose dynamic traffic management as claimed", "predefined preferences", Paper Dated 10/3/05, Page 23, lines 17-21) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). Thus, Applicant's arguments can not be held as persuasive regarding patentability.

3. Applicant suggests their application "McBearty does not disclose a referral provider", Paper Filed 10/3/05, Page 3, line 21. However, McBearty teaches "Yahoo", col. 3, line 42. Thus, Applicant's arguments can not be held as persuasive regarding patentability.

Conclusion

9. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

10. A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stephan Willett whose telephone number is (571)272-3890. The examiner can normally be reached Monday through Friday from 8:00 AM to 6:00 PM.

12. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Caldwell, can be reached on (571)272-3868. The fax phone number for the organization where this application or proceeding is assigned is (571)273-8300.

13. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (571)272-2100.

sfw

January 5, 2006

Andrew Caldwell

ANDREW CALDWELL
SUPERVISORY PATENT EXAMINER

Notice of References Cited	Application/Control No. 10/029,483	Applicant(s)/Patent Under Reexamination BERIKER, JAMES	
	Examiner Stephan F. Willett	Art Unit 2142	Page 1 of 1

U.S. PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Name	Classification
*	A	US-2004/0193489	09-2004	Boyd et al.	705/014
	B	US-			
	C	US-			
	D	US-			
	E	US-			
	F	US-			
	G	US-			
	H	US-			
	I	US-			
	J	US-			
	K	US-			
	L	US-			
	M	US-			

FOREIGN PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Country	Name	Classification
	N					
	O					
	P					
	Q					
	R					
	S					
	T					

NON-PATENT DOCUMENTS

*		Include as applicable: Author, Title Date, Publisher, Edition or Volume, Pertinent Pages)
	U	
	V	
	W	
	X	

*A copy of this reference is not being furnished with this Office action. (See MPEP § 707.05(a).)
Dates in MM-YYYY format are publication dates. Classifications may be US or foreign.

ATTORNEY
DOCKET NO 3553

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

APPLICANT:	James K. Beriker	)	
		)	
SERIAL NO.:	10/029483	)	**Group No.** 2142
		)	
FILED:	December 20, 2001	)	**Examiner:** Willett Stephan F.
		)	
FOR:	A SYSTEM, METHOD AND APPARATUS FOR DYNAMIC TRAFFIC MANAGEMENT ON A NETWORK	)	

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Notice of Appeal

Sir:

Applicant(s) hereby appeal to the Board of Patent Appeals and Interferences from the decision of the Primary Examiner dated January 10, 2006 Finally rejecting Claim(s) 1 - 5. **A Request for a three month extension of time from April 10, 2006 to July 10, 2006 is hereby requested.**

Applicant also requests an oral hearing before the Board of Patent Appeals and Interferences in the appeal of the above-identified application.

FEE FOR NOTICE OF APPEAL :	**$ 500.00**
FEE FOR REQUEST FOR A THREE MONTH EXTENSION OF TIME:	**$ 1,020.00**
TOTAL:	**$ 1,520.00**

☒ The commissioner is hereby authorized to charge the fee for the Notice of Appeal, and Request for Three Month Extension to our Deposit Account No. 14-1131.

☒ The commissioner is hereby authorized to charge any additional filing or extension fees associated with this communication to our Deposit Account No. 14-1131.

I certify that this document and enclosed fee is being deposited on July 6, 2006 with the U.S. Postal Service as first class mail under 37 C.F.R. 1.8 and is addressed to theCommissioner for Patents,p.o. Box 1450, Alexandria,VA 22313-1450

Signature of Person Mailing Correspondence

Hannah Martin

Typed or Printed Name of Person Mailing Correspondence

Respectfully submitted,

Robert P. Greenspoon - Reg.# 40,004
NIRO, SCAVONE, HALLER & NIRO
181 West Madison Street - Suite 4600
Chicago, Illinois 60602
(312) 236-0733
Date: July 6, 2006

UNITED STATES PATENT AND TRADEMARK OFFICE

CERTIFICATE OF CORRECTION

PATENT NO. : 6,823,491 B1
DATED : November 23, 2004
INVENTOR(S) : McBrearty et al.

It is certified that error appears in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

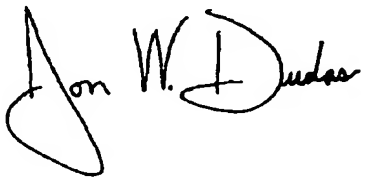
Column 8,
Line 63, please delete "pare" and insert -- page --.

Column 9,
Line 14, please delete "claim by" and insert -- claim --.

Column 10,
Line 2, please delete "base" and insert -- page --.
Line 21, please delete "RTML" and insert -- HTML --.

Signed and Sealed this

Twenty-sixth Day of April, 2005



JON W. DUDAS
Director of the United States Patent and Trademark Office

ATTORNEY
DOCKET NO.3553

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT:	James K. Beriker		
SERIAL NO.:	10/029,483	**Group No.**	2142
FILED:	12/20/2001	**Examiner:**	Stephen Willett
FOR:	A System, Method and Apparatus for Dynamic Traffic Management on a Network		

AMENDMENT AFTER FINAL

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Transmitted Herewith is an Amendment after Final to the Office Action of January 10, 2006 in the above-identified application including:.

1. Copies of Cited References from previously submitted Information Disclosure Statement filed November 25, 2002.

☒ The commissioner is hereby authorized to charge any fees associated with this communication to our Deposit Account No. 14-1131.

☒ If an extension of time is required, please consider this a petition therefor and charge any additional fees which may be required to Deposit Account No. 14-1131. (A duplicate copy of this sheet is enclosed.)

This transmittal of this amendment is respectfully submitted by the undersigned:

Robert P. Greenspoon - Reg No. 40,004
NIRO, SCAVONE, HALLER & NIRO
181 W. Madison-Suite 4600
Chicago, IL 60602
(312) 236-0733

Date: March 13, 2006

I certify that this document and enclosed fee is being deposited on March 13, 2006 with U..S. Postal Service as first class mail under 37 C.F.R. 1.8 and is addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-2450

Signature of Person Mailing Correspondence

Hannah Martin

Typed or Printed Name of Person Mailing Correspondence

ATTY. DOCKET NO. 3553

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appln.	:	10/029,483
Applicant	:	James K. Beriker
Filed	:	December 20, 2001
Title	:	A SYSTEM, METHOD AND APPARATUS FOR DYNAMIC TRAFFIC MANAGEMENT ON A NETWORK
TC/A.U.	:	2142
Examiner	:	Stephan Willett
Docket No.	:	3553

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RESPONSE TO OFFICE ACTION MAILED JANUARY 10, 2006

Dear Sir:

Applicant respectfully traverses the rejections in the Office Action mailed January 10, 2006.

At the Examiner's request enclosed are copies of the cited references listed in the November 25, 2002 Information Disclosure Statement. Each document is identified on a copy of the PTO1449 previously submitted with the IDS .

Remarks

The Examiner's Response to Amendment reveals an overbroad view of the scope of the rejected claims. The Examiner states, "it is noted that the features upon which applicant relies (i.e., 'McBreaty does not disclose dynamic traffic management as claimed, 'predefined preferences', Paper Dated 10/3/05, Page 23, lines 17-21) are not recited in the rejected claim(s)." (Office Action at 4). We ask the Examiner to reevaluate this view in light of the highlighted sections of independent claims 1 and 5, reproduced here:

> 1. A system for providing ***traffic management*** on a computer network, wherein a referral provider and a user computer are in communication via the computer network, the ***referral provider predefining referral provider preferences via the traffic management system*** for routing traffic generated by the user computer's search request transmitted to the referral provider, wherein the routing of the traffic is dependent upon the search request transmitted by the user computer, comprising:
>
> means for establishing an account for the referral provider, wherein the account includes an account name, a unique identification and a password;
>
> at least one traffic management parameter; and
>
> a search referral module, wherein the search referral module analyzes the user computer's search request.
>
> 5. A process for ***dynamically managing traffic on a network*** having a referral provider computer and a user computer, the user computer communicating with the referral provider computer and transmitting a search request to the referral provider computer, comprising:
>
> establishing a participating account, wherein the account is established by the referral provider;
>
> defining traffic management parameters;

analyzing the search request input by the user computer; and

routing traffic to a target location.

Under a correct view of the scope of the claims, Applicant's previous remarks succeeded in distinguishing the art of record. Namely, unlike Applicant's invention, which involves dynamic traffic management over a network, McBrearty addresses the problem of a web surfer who needs quick access to the site-specific search engine of a web site. The example McBrearty gives is the intra-site search engine one might find at http://www.ibm.com. McBrearty discloses that sometimes users "enter" a site on a page lacking the site-specific search engine interface. McBrearty discloses providing a "button" on a web browser that will locate the site-specific engine for presentment to the surfer, or if there is none preexisting on the site, that will present the surfer with a generic one.

While McBrearty does mention ordinary use of the site-specific search engine to perform a search, McBrearty does not disclose dynamic traffic management as claimed by Applicant. Namely, Applicant's claim 1 recites a system wherein a referral provider predefines preferences (i.e., traffic management parameters) for routing traffic generated by a user computer's search request transmitted to the referral provider. McBrearty does not disclose a referral provider, or predefining preferences, as claimed. In addition, as the Examiner acknowledged McBrearty lacks a means for establishing an account.

For these reasons, McBrearty also lacks the elements of dependent claims 2-4. Regarding claim 2, since McBrearty does not disclose traffic management parameters, it necessarily does not disclose designated target locations or key

search terms as examples of such parameters. Regarding claim 3, McBrearty does not disclose a search referral module routing traffic to the designated target location as specified by such a traffic management parameter. And regarding claim 4, McBrearty does not disclose comparing user search terms with key search terms which comprise traffic management parameters.

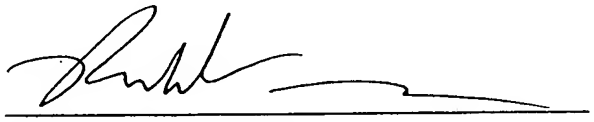
The Examiner cites Boyd for its disclosure of details of implementing an account for a referrer. However, Boyd does not disclose establishing an account for a referral provider as claimed. Boyd's disclosed accounts are associated with hosted incentive marketing --- an entirely different field from Applicant's invention having nothing to do with dynamic traffic management in the context of search engines. For example, under Boyd's teachings, a consumer product company might establish an account to keep track of consumer-entered loyalty points. Likewise, the consumer might establish an account related to the consumer product company to enter such loyalty points. Importantly, neither the consumer product company nor the consumer in this context qualifies as a "referral provider." Neither party does anything having the effect of referring a user's network traffic to a third party network location.

To summarize, McBearty lacks several claim limitations. Moreover, Boyd lacks the limitations the Examiner attributes to Boyd. Combining McBearty and Boyd does not result in, or suggest, the claimed inventions.

For the foregoing reasons, Applicant respectfully requests withdrawal of the rejections and early allowance. You are authorized to charge any fees to the undersigned's deposit account (#14-1131).

Respectfully submitted,

Dated: March 13, 2006



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/029,483	12/20/2001	James Beriker	63030.800US01	5460

7590 03/30/2006

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EXAMINER	
WILLETT, STEPHAN F	

ART UNIT	PAPER NUMBER
2142	

DATE MAILED: 03/30/2006

Notice of Appeal reply due 6-10-06 (Under 2 month ext)

Please find below and/or attached an Office communication concerning this application or proceeding.

Continuation of 11. does NOT place the application in condition for allowance because: In response to applicant's arguments, the recitation of "dynamic traffic management" and "predefined preferences" were not exactly recited in the claims, but they also could not have been given patentable weight because the recitation occurs in the preamble. A preamble is generally not accorded any patentable weight where it merely recites the purpose of a process or the intended use of a structure, and where the body of the claim does not depend on the preamble for completeness but, instead, the process steps or structural limitations are able to stand alone. See In re Hirao, 535 F.2d 67, 190 USPQ 15 (CCPA 1976) and Kropa v. Robie, 187 F.2d 150, 152, 88 USPQ 478, 481 (CCPA 1951). Regarding applicant 's remaining arguments, two different readings of McBreaty was provided to reject the independent claims. As illustrated above, the applicant is limiting the reading of their claims too much and the previous rejection stands by itself. If there is support for a more limited reading of the claim's words in the specification, the applicant may present such arguments. In additioin, arguably Official Notice could have been taken for "establishing" versus "implementing" an account, however a second reference was provided so there would be no question.

A SYSTEM, METHOD AND APPARATUS FOR DYNAMIC TRAFFIC MANAGEMENT ON A NETWORK

Related Application

This application is related to U.S. Patent Application, entitled A System, Method and Apparatus For Dynamic Traffic Management On A Network, Serial No. 60/257,695 filed December 21, 2000, and is fully incorporated herein by reference.

Field of the Invention

The present invention is directed to a system, method and apparatus for traffic management on a network. More specifically, embodiments of the invention are directed to a traffic management system that allows for the dynamic routing of traffic from a referral provider to target locations.

Background of the Invention

An enormous amount of information is currently available on wide area networks, such as, the World Wide Web ("WWW") or Internet. Unfortunately, the information is useless to users unless it can be found and accessed. To assist users in the retrieval of information on networks, search engines have been developed.

Overall, search engines allow a user to input key words or key terms that are related to the topic or subject matter for which the user desires to obtain information. The search engines search the network for information, for example, web sites, containing the key terms and return a listing of the locations of the information. Due to the enormous amount of information, a specific location containing information related to the key terms could be listed anywhere in the result list and thus, may never be reviewed by the user.

Information providers, such as web masters and web site owners, desire users to access their information, that is, their web site. In light of the manner in which search engines conduct searches, many web sites would be overlooked due to their position in the result listing. To aid in increasing the probability that a user would find and access a site, search engines have

developed a prioritization scheme, wherein information providers pay the search engines for placement, or for position, in the result list.

In current prioritization structures, information providers purchase, or bid, on key terms. By purchasing key terms, the information provider will be given a priority position in the result list, thereby increasing the probability that the site of the information provider will be found and accessed by the user. Thus, when the user inputs a set of key terms for searching, information providers that have purchased the key terms in the user search, will be prioritized in the search result. In exchange for the prioritization in the search result list, the information provider pays the search engine the agreed upon purchase price if the information provider's site is accepted by the user requesting a search.

Currently, one modality of earning money from network based businesses, such as web sites, is through referral traffic, wherein traffic flow is directed from the current web site location to a target web site location. More specifically, traffic leaving a site is routed to locations chosen by a referral provider, that is, the web master or site owner from which the traffic emanates. Typically, the target location has agreed with the referral provider to pay for such traffic under certain conditions.

To capitalize on the referral payment system for traffic, with respect to pay for placement systems, currently, many referral providers include the ability for the visitor to the site, or user, to conduct a search. In most instances, the referral provider does not operate a search engine, but rather, directs this traffic, that is, the user implementing the search, to a search engine designated by the referral provider in advance. In current systems, the referral provider may be paid a preset amount for each user directed to the search engine, or payment may be based upon whether the user has included any key terms for which the search engine is paid.

At least one problem with the current system is that the referral provider is limited to the single search engine designated in advance for the directing of the traffic. Further, depending upon the payment agreement, the referral provider may not be paid for all of the traffic redirected to the search engine, or may only be paid a nominal amount for the traffic. A need in the industry exists for a system that allows a referral provider the ability to dynamically direct traffic to a target location; namely, a system that allows a referral provider to choose from multiple target

locations depending upon the search requested by the user. A further need exists for a system that can increase the efficient use of business resources, in part, by increasing the probability of payment for the redirected traffic.

Summary of the Disclosure

The present invention is directed to a system, method and apparatus for traffic management on a network; more specifically, a traffic management system that allows for the dynamic direction of traffic from a referral provider to target locations. Overall, in preferred embodiments, a referral provider, such as a web master, operates a web site, wherein the referral provider has included a search box on the web site. A visitor to the site, or user, can enter a search in the search box on the site of the referral provider, wherein the user search includes key terms or key words that are directed to the subject matter desired to be found. Once the user enters the key terms, a key term analyzer compares the user key terms with a predefined set of key terms. If the user key terms are included within the set of predefined key terms, the user is directed to a primary target location. If the user key terms are not included within the set of predefined key terms, the user is directed to an alternative target location.

A feature of embodiments of the invention is the dynamic direction of traffic on a network. An advantage to this feature is that referral providers can choose preferential business arrangements based upon each situation, for example, each search conducted. A further advantage to this feature is it increases the ability of the referral provider to utilize business resources more effectively.

A further feature of embodiments of the invention is the ability of the referral provider to predefine instructions for the directing of traffic that are dependent, in part, upon the input information for each situation. An advantage to this feature is that the referral provider can set up more advantageous arrangements and more effectively capitalize on the advantages of each new situation or opportunity to utilize business resources.

The above and other features and advantages of embodiments of this invention will be apparent from the following more detailed description when taken in conjunction with the accompanying drawings of illustrative embodiments.

Brief Description of the Drawings

The detailed description of embodiments of the invention will be made with reference to the accompanying drawings, wherein like numerals designate corresponding parts in the figures.

Figure 1 is a network system environment in accordance with a preferred embodiment of the instant invention.

Figure 2 is a flow chart depicting a process for dynamically managing traffic on a network in a preferred embodiment of the invention.

Detailed Description of Preferred Embodiments

Embodiments of the instant invention are directed to a system, method and apparatus for dynamically managing traffic on a network. Embodiments of the instant invention employ a network of computers and programs for retrieving and displaying content to users on a wide area network, such as, the WWW or the Internet.

Hardware Environment:

Preferred embodiments of the instant invention operate with a network comprising a plurality of networked computers, such as, for example, at least one user computer and at least one referral provider computer which are coupled together in a communications network, such as, for example, the Internet or WWW. Figure 1 depicts a simplified representation of an example network system 10 that is operated in accordance with preferred embodiments of the invention.

The network system 10 includes at least two client or user computers 12, at least one referral provider computer 14 and a traffic management system 28 coupled for communication therebetween, generally represented at 16. In the illustrated embodiment, two client or user computers 12 and one referral provider computer 14 is shown in the network system. It will be understood that further embodiments may employ any suitable number of user and provider computers. The network system 10 may comprise a closed or intranet configuration, an open or public-access network configuration or combinations of such configurations, as is well known in

the art. For example, the user and referral provider computers 12 and 14, and the dynamic management system 28 may be included in smaller, interconnected networks which compose the overall network system 10. In an Internet embodiment, the network system 10 comprises a combination of a large number of interconnected internets and intranets. For purposes of simplifying the present disclosure, the various hardware components (for example, host servers, routers, connectors) and software necessary for communication between computers on the network system are not described herein in detail. Such hardware and software are well within the scope of one of ordinary skill in the art and are at least partially dependent upon the type of network system employed and the desired application of use.

The user computer 12 may comprise any suitable network device capable of communicating with other network devices in the network system. In preferred embodiments, the user computer 12 comprises a programmable processor capable of operating in accordance with programs stored on one or more computer readable media 18 (for example, but not limited to floppy disc, hard disc, computer network, random access memory (RAM), CD Rom, or the like), a display device 20 for providing a user-perceivable display (for example, but not limited to visual displays, such as cathode ray tube CRT displays, light-emitting-diode LED or liquid-crystal-diode LCD displays, plasma displays or the like, audio displays or tactile displays), and a user input device 22 (for example, but not limited to, a keyboard, mouse, microphone, or the like). In one preferred embodiment, the user computer comprises a personal computer system having a CRT display, a keyboard and a mouse user-input device.

The user computer 12 is controlled by suitable software, including network communication and browser software to allow a user to request, receive and display information (or content) from or through a referral provider computer 14 on the network system 10. In preferred embodiments, the user computer 12 employs a program, such as a browser, for displaying content received from a referral provider computer 14.

The provider computer 14 may comprise any suitable network device capable of providing content (data representing text, hypertext, photographs, graphics video and/or audio) for communication over the network. In preferred embodiments, the referral provider computer 14 comprises a programmable processor capable of operating in accordance with programs

stored on one or more computer readable media 24 (for example, but not limited to, floppy disks, hard disks, random access memory RAM, CD-ROM), to provide content for communication to a user computer 12. The referral provider computer may comprise, for example, but is not limited to, a personal computer, a mainframe computer, network computer, portable computer, personal data assistant (such as, a 3Com Palm Pilot), or the like. The referral provider computer 14 may include one or more internal data storage devices (not shown) for storing content for communication to a user computer 12. Alternatively, or in addition, the referral provider computer 14 may be coupled to an external data storage device, computer or other means, generally represented at 26, from which the referral provider computer 14 may obtain content for communication to a user computer 12. In one embodiment, the external device 26 may comprise a further network device coupled in the network 16.

The traffic management system 28 may comprise any suitable network device capable of providing content (data representing text, hypertext, photographs, graphics video and/or audio) for communication over the network. In preferred embodiments, the traffic management system 28 may comprise, for example, but is not limited to, a personal computer, a mainframe computer, network computer, portable computer, personal data assistant (such as, a 3Com Palm Pilot), or the like. The traffic management system 28 is similar to the user computer 12 and referral provider 14, and thus, the descriptions set forth above for these devices 12,14 is fully applicable with regard to the traffic management system 28.

General Description of Preferred Embodiments:

In preferred embodiments of the invention, a process for dynamically managing traffic on a network comprises establishing a participating account 30, defining traffic management parameters 40, analyzing a search request 46 and directing traffic to a target location 52. With reference to Figure 2, to establish an account with the dynamic traffic management system 28, the referral provider accesses the traffic management system via an interface 30, such as a web page. The interface includes a 'Set up Account' button, or any other interface that may be suitable. Upon depression of the 'Set up Account' button, a set up page is transmitted to the referral provider 14, wherein the referral provider inputs identifying information, including, but

not limited to, an account name, a unique identification and a password 32. The information is input via input boxes or via response to questions presented by the traffic management system 28. Once the referral provider is satisfied that the input information is accurate, the referral provider 14 submits the information to the system via a 'Submit' button. The input information is then validated by the traffic management system. Once the submitted information is validated, the submitted information is transmitted to an account storage database 36.

With reference again to Figure 2, after the referral provider has established or opened an account, the referral provider defines traffic management parameters 40. To define the parameters, in one embodiment, the referral provider logs into the newly created account and accesses a 'Traffic Management Parameters' page, wherein the referral provider identifies parameters that will govern the management of the traffic on the referral provider's site 42. The management parameters include, but are not limited to, a primary location and an alternative location. In some embodiments, the management parameters further comprise a set of key terms.

The primary location is the target location defined by the referral provider as the principal location to which the traffic will be directed. The referral provider identifies the target location by any identifying indicator, including, but not limited to, an identifying name or a web address.

In addition to identifying the primary target location, the referral provider identifies the alternative target location. The referral provider identifies the alternative location by any identifying indicator, including, but not limited to, an identifying name or a web address. In some preferred embodiments, the referral provider can identify multiple alternative locations. If multiple alternative locations are identified, in some preferred embodiments, the traffic management system allows the referral provider to specify the percentage of traffic to direct to each alternative location. If no percentage of traffic for each alternative location is indicated, the direction of the traffic can be governed in accordance with a default standard such as 50-50 or with instructions, for example, to alternate between the alternative locations. It is to be understood that any number of alternative locations can be identified by the referral provider and that any manner of dividing up the traffic can be utilized, including, a combination of instructions, such as, 50% for a first alternative location, 10% for a second alternative location and alternating between a third and fourth alternative location.

The set of key terms is a set of search terms that is associated with the primary location and causes the referral provider's traffic to be directed to the predefined primary location. The key terms are chosen by the referral provider 44. In some embodiments however, the key terms are provided to the traffic management system by the primary location, and the referral provider does not have the option of submitting key terms to the traffic management system, but rather, is restricted to the key terms provided by the primary location.

Generally, the key terms chosen or identified by the referral provider are associated with key terms that have been purchased or otherwise provide income to the primary location. In preferred embodiments, the key term list generally selected by, or provided to, the referral provider is identical to all of the key terms purchased by third parties (e.g., information providers) from the primary location. In this manner, the referral provider is substantially guaranteed that all of the traffic directed to the primary location will produce income for the referral provider because all of the key terms have been paid for by information providers (e.g., web masters) whose identification or web location will be given preferential positioning within the result list presented to the user. Indeed, in specific embodiments wherein the key terms are provided by the primary location, only those key terms that will generate income are included on the key term list given to the referral provider.

Similarly, the alternative locations are generally chosen in accordance with the preferences by the referral provider, wherein the preferences are determined in part, by a beneficial business arrangement, e.g., monetary considerations, agreed upon by the referral provider and the alternative location. In some embodiments, the referral providers are allowed to choose the alternative locations or send the search to a flat rate program provided by the primary target location. Further, in still other embodiments, the traffic management system presents acceptable alternative locations to the referral provider from which to choose.

In another preferred embodiment, the referral provider is not required to log into the account to set traffic management parameters. In this embodiment, the traffic management system receives information regarding the primary and alternative locations via hypertext markup language ("html") inserted into the search box. For example, in one preferred embodiment, code directing the traffic to an alternative location reads as follows: if ($form{alt_engine} eq

"search123"). It is to be understood that any means of identifying the primary and alternative locations is suitable, and the examples contained herein are not intended to limit the invention.

A similar code can be inserted for the primary target location. In one preferred embodiment, the primary target location is predefined by the traffic management system, and thus, no choice is indicated by the referral provider.

After the referral provider has set up an account, and identified account management parameters, the referral provider can utilize the traffic management system on its web site. Thus, when a user decides to conduct a search from the site, the user enters the applicable search terms or key terms into the search box and submits the search 48.

The submitted search is then analyzed by a key term search analyzer 50. The key term search analyzer is a software module that compares the key terms identified by the referral provider, or associated with the primary target location, with the key terms of the user defined search. If the key terms in the user defined search are identical, or substantially identical, to the user defined key terms, the user requesting the search is transmitted to the primary target location. In some preferred embodiments, a minimum matching threshold percentage is preset by the traffic management system. In these instances, if the minimum matching threshold is met, the user is transmitted to the primary target location. In specific embodiments, the search is predicated off an exact keyword match, or from related key words in the list, wherein related words include words that are related via a variety of preferences, including, but not limited to, spelling, bid amounts and subject matter. In one specific embodiment, the search analyzer matches words in the key list that correspond to a minimum bid amount or higher, such as, for example, 11 cents, wherein the limit is defined by the primary target location.

If a minimum matching threshold is not met, or the matching standard is not met, the user is directed to the alternative location in accordance with the parameters set forth by the referral provider. Thus, if only one alternative location is identified, then all traffic not directed to the primary target location is directed to the alternative location.

Once the search analyzer has determined the pathway for the traffic, the traffic management system directs the traffic to the designated target location via a search referral module 52. The search referral module is a software module that directs the traffic to the

appropriate designation and, in some embodiments, provides tracking information for the traffic management system and the referral provider. In some embodiments, the search referral module is incorporated into the search analyzer and the task of directing the traffic to the target location is performed by the search analyzer upon the completion of its analysis of the search.

Although the foregoing described the invention with embodiments having particular forms that have been illustrated and described, this is not intended to limit the invention. For instance, although preferred embodiments have been described with reference to a wide area network, it is to be understood that embodiments of the invention are also applicable on other networks, including, but not limited to, a local network, an intranet and an internet. Indeed, the foregoing is intended to cover all modifications and alternative constructions falling within the spirit and scope of the invention as expressed in the appended claims.

What we claim is:

1. A system for providing traffic management on a computer network, wherein a referral provider and a user computer are in communication via the computer network, the referral provider predefining referral provider preferences via the traffic management system for routing traffic generated by the user computer's search request transmitted to the referral provider, wherein the routing of the traffic is dependent upon the search request transmitted by the user computer, comprising:

means for establishing an account for the referral provider, wherein the account includes an account name, a unique identification and a password;

at least one traffic management parameter; and

a search referral module, wherein the search referral module analyzes the user computer's search request.

2. A system as claimed in claim 1, the management parameters comprise at least one of a designated target location, and a set of key search terms.

3. A system as claimed in claim 2, wherein the search referral module routes traffic to the designated target location.

4. A system as claimed in claim 2, wherein the search request comprises a set of user defined search terms, and wherein the referral module compares the user defined search terms and the predefined set of key search terms of the management parameters.

5. A process for dynamically managing traffic on a network having a referral provider computer and a user computer, the user computer communicating with the referral provider computer and transmitting a search request to the referral provider computer, comprising:

establishing a participating account, wherein the account is established by the

referral provider;

defining traffic management parameters;

analyzing the search request input by the user computer; and

routing traffic to a target location.

Abstract

A system, method and apparatus for dynamic traffic management on a network from a referral provider to target locations. A referral provider, such as a web master, operates a web site, wherein the referral provider has included a search box on the web site. A visitor to the site enters a search in the search box on the site of the referral provider, wherein the user search includes key terms or key words that are directed to the subject matter desired to be found. Once the user enters the key terms, a key term analyzer compares the user key terms with a predefined set of key terms. If the user key terms are included within the set of predefined key terms, the user is directed to a primary target location. If the user key terms are not included within the set of predefined key terms, the user is directed to an alternative target location.

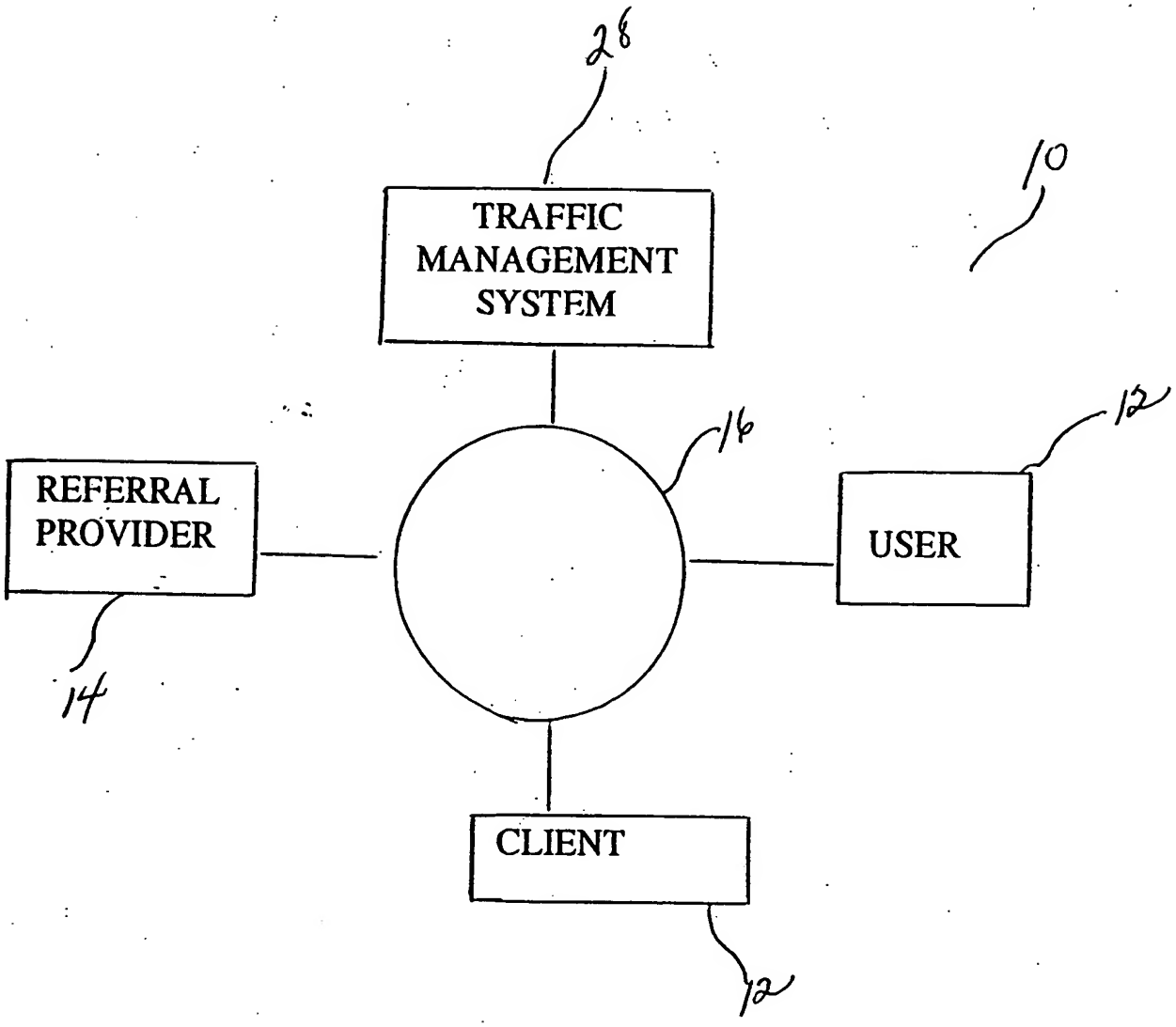
28
10
TRAFFIC MANAGEMENT SYSTEM
16
12
REFERRAL PROVIDER
USER
14
CLIENT
12

Figure 1

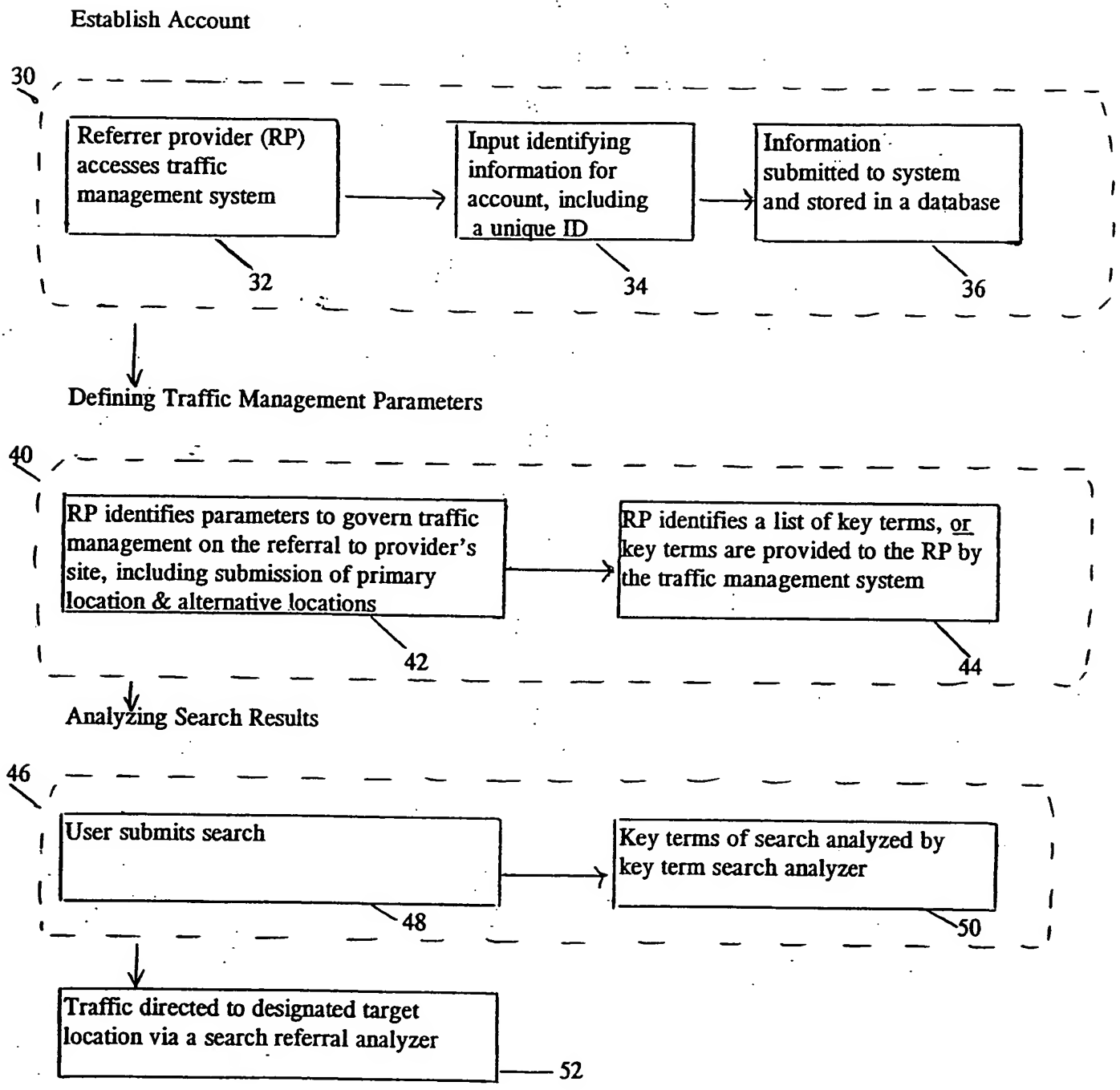
Establish Account
30
Referrer provider (RP) accesses traffic management system
Input identifying information for account, including a unique ID
Information submitted to system and stored in a database
32
34
36
Defining Traffic Management Parameters
40
RP identifies parameters to govern traffic management on the referral to provider's site, including submission of primary location & alternative locations
RP identifies a list of key terms, or key terms are provided to the RP by the traffic management system
42
44
Analyzing Search Results
46
User submits search
Key terms of search analyzed by key term search analyzer
48
50
Traffic directed to designated target location via a search referral analyzer
52

Figure 2